

REMARKS

This is in response to the Office Action dated May 12, 2008. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

By the above amendments, claims 1, 2 and 4 are amended. Thus, claims 1-4 are currently pending in the present application. Support for the claim amendments can be found at least on page 12, lines 3-6 of the specification as originally filed.

Next, to facilitate the Examiner's reconsideration of the application, the specification and abstract have been reviewed and revised in order to make a number of minor clarifying and other editorial amendments. To facilitate entry of the changes, a substitute specification and abstract has been prepared. No new matter has been added. Also enclosed is a "marked-up" copy of the original specification and abstract to show the changes that have been incorporated into the substitute specification and abstract. The enclosed copy is entitled "Version with Markings to Show Changes Made."

Next, on pages 2-3 of the previous Office Action, claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Satoh et al. (U.S. Patent No. 5,303,225). It is submitted that the present invention, as embodied by the amended claims, now clearly distinguishes over the Satoh reference for the following reasons.

In order to clearly distinguish independent claims 1 and 4 over the Satoh reference, the independent claims have been amended to require that the "n" information layers have the same sector structure. This limitation defines a fundamental difference between the present invention and the applied prior art reference.

In the optical information recording medium claimed in amended independent claim 1, all of the information layers have a sector structure that is the same. Therefore, when the information layers are stacked so that the sector address portions of each information layer do not overlap with at least the sector address portions of the adjacent information layer(s) in a stack direction of the information layers, the data areas of one information layer do not completely overlap with the data areas of the adjacent information layer (that is, the data areas of two adjacent information layers are out of alignment) as viewed from above. This novel construction provides an advantage in that the information recording medium can be efficiently manufactured since only one type of information layer is employed.

Satoh discloses a multi-layered optical disk 1 having recording layers 34 and 43, which each comprise a plurality of tracks 6a and 6b, which are shifted in the radial direction. Each track is divided into a plurality of sectors S, each of which has an identification section (ID_a for track 6a and ID_b for track 6b) and a data field DF for storing data. However, in Satoh, the respective identification sections ID_a and ID_b are not overlapped in the radial direction, but the DFs (data fields) are overlapped with each other in the radial direction (see Fig. 7). In other words, the DF of the first recording layer coincides with that of the second recording layer when viewing the Satoh disk from above. In order to achieve the Satoh construction, it is necessary to prepare the first and the second recording layers with different sector structures. Thus, the two recording layers must be designed separately, which leads to an increase in operation steps and an increase in control items in the process of manufacturing a single optical disk.

In the present invention, as defined in claim 1, the optical information recording medium

is manufactured by preparing information layers having the same sector structure and positioning the information layers in situ by observing the sector address portions during the assembly (stacking) of the information layers. In other words, the information recording medium claimed in claim 1 can be easily manufactured in comparison to the optical disc disclosed in Satoh because a different sector structure is not required to be designed for each of the information layers.

Clearly, the Satoh reference does not disclose or suggest a recording medium in which all of the information layers have the same sector structure and the sector address portions of the two adjacent information layers are out of alignment. Further, the information recording medium of the present invention provides an advantage that cannot be achieved with the recording medium disclosed in Satoh. Therefore, it is submitted that the information recording medium of claim 1, which includes recording layers having the same sector structure, is clearly allowable over the applied Satoh reference.

Claims 2 and 3 depend from amended claim 1, and are therefore allowable at least by virtue of their dependencies.

Further, independent method claim 4 is directed to a method for producing an optical information recording medium comprising "n" information layers, and requires, *inter alia*, the step of forming each of the "n" information layers so as to have the same sector structure. The method of claim 4, which includes forming the respective information layers so that they have the same sector pattern, does not necessitate separate sector structures for the respective information layers. Further, the production method of claim 4 allows the positioning of the


information layers to be carried out by simply observing the positions of the sector address portions in situ, and thereby the information recording medium can be manufactured more simply. The simplicity of the present manufacturing method cannot be achieved in the manufacture of the disclosed Satoh disk. Therefore, it is submitted that claim 4 is clearly allowable over the Satoh reference.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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